



TOWN OF

K E N S I N G T O N

**FEBRUARY
2002**

February 25, 7:30 p.m. Town Meeting Agenda

Adoption of Historical Ordinance
Introduction of Charter Amendments
Council review and recommendations of HOC use to County
Audit Committee Report

Meeting Schedule

March 4, 7:00 p.m. Work Session
March 25, 7:30 p.m. Town Meeting

Help Preserve Our Trees

Do not put staples, nails, or tacks into the trees.
It is illegal to put anything on Town trees and fines will be imposed.

PLEASE REMEMBER

Trash/mixed paper must be set out by 7:00 a.m.
or it will not be picked up until the next pickup day.

The Town does not pick up any car parts including tires.

Contact us at 3710 Mitchell Street, Kensington, MD 20895
Phone: 301-949-2424; Fax: 301-949-4925;
E-mail: mayor.council@tok.org; Web Site: www.tok.org

MARYLAND TAX RETURN 2001

FORM 502 RESIDENT

One of the major sources of revenue which the Town receives each year is the Town's share of income taxes which each resident pays to the State of Maryland. Remember to write the Town of Kensington in the box marked city, town, or taxing area. This will insure that a portion of your tax dollars will return to the Town.

e-Announcements

If you would like to receive brief e-mail updates regarding Town business please sign up for e-Announcements on the home page of the Town's web site (www.tok.org)

For Sale

The Town has t-shirts, flags, Maryland's 157 The Incorporated Cities and Towns book, and historical society calendars for sale.

Snow

In case of a winter storm, please park vehicles in driveways when possible or park on the even side of the street on even dates and the odd side on odd dates. Remember to clear the sidewalk, walkway, and driveway aprons connecting sidewalks abutting your property within 24 hours after a storm. *This is a Town Ordinance.*

Volunteers Needed

If you are interested in working on the Memorial Day rededication of Ernest Memorial Park, please contact the Town office.

The Town is in search of a few arts and crafts fans to assist Andie Murtha in her organization of the 2nd Annual Kensington Arts and Crafts Fair. This year's Fair will again be held on Labor Day in connection with the Town's Labor Day Parade and Festival. Andie needs help especially with publicity, logistics, set up and clean up. If you are interested in helping, please call her at 301-929-0501.

The Kensington Labor Day Parade organizers are in search of entertaining and fun musical groups who might be interested in performing in this year's Parade. If you are in such a group or you know someone who is, please call Jenny Smith at 301-946-3804.

Building Permits

Addition at 10314 Fawcett Street

Mayor's Report

Howard Avenue

Phase II is almost complete, we hope to have the kiosk in place by the first weekend in May. In early spring the Town will plant some of the areas in the park on Howard Avenue. Montgomery DHCA is planning to hang baskets from all the light poles on Howard Avenue in May. A request for Phase III to be put in the County 2002-2003 budget has been made. The Mayor has had several meetings with Montgomery County representatives to discuss the revitalization efforts this month.

Summit Avenue

The Mayor sent a letter to Montgomery County Director of Public Works to request that Summit Avenue from Knowles to Plyers Mill be improved with sidewalk, curb and gutter according to our Kensington Concept Plan. She met with a representative from Montgomery County Department of Public Works last week to discuss the problems and possible solutions. This project has been recommended in the Montgomery County Capital Budget/CIP.

Ernest War Memorial

The Memorial is in place, however we are still waiting for the bowl and flame to be installed. It should be completed in the near future. We plan a rededication ceremony for May 26 or 27. If you would like to be a part of this event by volunteering to help Wat Stewart, please call the Town Hall.

We have received a monetary donation and the pledge of a family to plant and tend the area around the Memorial for the coming year. Thank you to the Oppenheim family for this generous offer to our Town.

Meeting and Events Attended

- The Mayor attended the Montgomery County MML Legislative dinner meeting this month. This meeting was held to introduce the legislative package being supported by MML to our Senators and Delegates of Montgomery County.
- The Mayor attended a breakfast in Annapolis with Delegates and Senators who were formerly elected municipal officials from around the state.
- The Mayor attended the MML Montgomery County Chapter Board Meeting held in our Town Hall this month.
- The Mayor attended a legislative meeting in Annapolis.
- The Mayor attended a Montgomery Municipal Cable TV Board meeting this month.
- The Mayor held an Armory Committee meeting and had several meetings with Council Member Chris Bruch and Architect Jim Latham to discuss the ongoing

construction in the Community Center. Note: It is imperative that you let Ms. Shirley Watson know of any meeting or time changes to scheduled meetings as we are limited in space due to the construction.

- The Mayor attended two MML Executive Committee meetings and one Board meeting in Annapolis this month.
- A hearing was held before the Senate Committee on Budget and Finance this month and the Mayor gave testimony on the need for Senate Bill 70 being changed from Senior Community Center to Community Center. She also will give testimony before the House Delegation on this same subject, House Bill 108.

Council Member Cowan's Report

On February 4 we had a public discussion centered on the potential use of the Housing Opportunities Commission gym as a community facility. There were some 25 Kensington residents and other local citizens present, many of whom expressed their views. It was a great discussion. Some who entered the “debate” with a fixed view came away more disposed towards a different approach. Some who knew all the “facts” left better able to discern fact from fiction. Everyone there learned something. The Mayor and Council learned a good deal as well – as we always do when our constituents talk to us.

Unfortunately, most of our town meetings are not well attended. To be frank, were it not for five or six active citizen participants we would essentially be meeting alone. Empty Council chambers do not a democracy make.

All of us, of course, rely on ad hoc conversations with our friends and neighbors to inform our decisions. As a citizen, if you are comfortable with the vagaries of such discussions substituting for more formal citizen participation than we can only presume that the residents we don't hear from are pretty much satisfied with the status quo. Somehow I doubt this.

Even if you are content – come to a town meeting and make sure – you never can tell what you might hear to shake that confidence – or reinforce it! We are better public servants for hearing from the public. If you cannot devote a couple of hours, come for half an hour! Understanding and participating in local government is part and parcel of what makes a community. We are there – first and last Mondays of most months – come talk to us!

As usual, you can also talk to me at 301-933-9599 or email at gcowan@opiniondynamics.com

Council Member Pfautz's Report

Attended Wheaton-Kensington Chamber of Commerce meeting at Kensington Firehouse where, among other things, Kensington revitalization was discussed.

Presented proposed Charter amendments to Council. The proposed amendments, which will be voted on at the February 25, 2002 Town Meeting, are included in this Town Journal.

Council Member Scharman's Report

Attended the Open House hosted by the Kensington Volunteer Fire Department and the Wheaton-Kensington Chamber of Commerce. Discussed components of the Wheaton revitalization efforts with County planners. Also had discussions with fire station personnel regarding emergency response services provided by fire stations and rescue squads in the Kensington vicinity.

Worked with Susan Engels in preparing the Program Open Space (POS) application for the Clum-Kennedy Gardens seating area. The Town obtained a grant through the Community Parks and Playground (CPP) Program for this project in November. After receiving a CPP grant, grantees are required to submit Program Open Space applications for their projects. However, the CPP Program uses dedicated funds authorized by the General Assembly and does not draw from the Town's POS funds.

Submitted the Kensington Cabin renovation grant application for consideration in the second round of grants for the State's Community Parks and Playground Program. The Mayor and Council Member Pfautz assisted in obtaining letters of support as part of this application submittal.

Contacted MNCPPC concerning community input into the development of the Montgomery County Heritage Area Management Plan.

Attended the Homeland Security Community Forum hosted by County Executive Duncan and Mayor Raufaste held in Town Hall.

Town Meeting

January 28, 2002

Mayor Raufaste called the Meeting to order at 7:30 p.m. with Council Members Bruch, Cowan, Pfautz, Scharman, Director of Public Works Joel, and Clerk-Treasurer Engels present. The meeting was televised on municipal cable. The Pledge of Allegiance was recited. A Moment of Silence was observed for Carl Orndorff a long time resident that recently passed away.

Dan Shepherdson, President of the PTA for Kensington Parkwood Elementary School, updated residents on the status of KP modernization. He informed residents that the

design was nearly complete and that once the new school is built it will be a tremendous asset to the Town and surrounding community. He stated that the modernization, which was originally scheduled for the next school year, has been delayed 2 ½ years which is of concern due to the age of the school and overcrowding. The PTA has been writing letters advocating that more funds be allocated to the modernization of schools. Any residents interested in writing to express concerns over the delays in modernization should write or e-mail the County Council who is considering the capital budget.

The Mayor stated that the variance request for 10519 St. Paul Street, originally requested, was withdrawn by the resident because it was no longer needed after the property was surveyed.

Kate Mazzara, project manager of the design phase of Metropolitan Avenue gave an overview of the project. Residents were informed that it was a neighborhood conservation project in which SHA worked with the Town and business owners to add sidewalks and other amenities to this area from N. Kensington Parkway to Plyers Mill Road. The streetscaping includes new sidewalk along the north side of the road from where it stops at St. Paul Street down to N. Kensington Parkway, resurfacing the road up to Connecticut Avenue, a sidewalk connection at St. Paul over to the railroad track platform, a new parking lot off Kensington Parkway for businesses on Metropolitan Avenue, adding and reconstructing some sidewalks along the south side, adding green space and planting wherever possible, brick pavers along the road, drainage improvements, and shifting the road in front of the lumber yard. Mazzara also informed residents that everything being done on the project outside the existing right of way is through the right of entry and consent of property owners.

Residents asked questions concerning the location, type, and number of trees. Mazzara explained that the landscape architects chose the trees based on the amount of space to support the tree, maintenance, overhead wires, hardiness, consent of property owners and other considerations.

Kevin Nowak, engineer from SHA explained the construction phase of the project which is scheduled to start on March 18th and will take approximately 125 working days with a completion in November. There will be four phases to the project. The first phase will consist of utility work in which 850 feet of 8-inch water line will be relocated in the roadway. The second phase includes the retaining wall near Wheatley Street, widening in front of Pepco and drainage work. The third phase consists of the sidewalk, curb and gutter by the lumberyard. The fourth phase consists of paving the entire road. He informed the Town that the contractor would be allowed to close one lane of the road between 9 a.m. and 3 p.m. Monday through Friday. Night work will have to be done which will include grinding off 2 inches of existing surface of the road and re-paving. He informed the Town that outages could occur, most likely at night for 5 to 10 minutes. A project engineer will be on site, phone numbers will be posted for information, and there will also be a field office in the immediate area.

The Mayor and Council presented monthly reports.

Residents asked questions about the closing of the concrete plant. The Mayor stated that the plant was required to shut down operations by March 31st and that the Town is continuing to work with the state and county regarding the property.

The Mayor informed residents that there have been several incidents in Town including burglaries and that it was important to keep doors and cars locked, be more careful, and report any suspicious activity to the police.

The Mayor informed residents that April 22 to 26 is Municipal Government Week. A book is available with suggested activities to recognize that week if any parents or children are interested.

The Town was informed that the train station attendant is leaving at the end of February and that the station will be an automated station.

A letter was presented and read to the Mayor and Council from a member of the Kensington Baptist Church stating that in response to a Town resident's request, they would not support a sidewalk on Connecticut Avenue from Dresden to Washington Street due to safety concerns and suggested a better alternative would be a pedestrian light at Dresden. The Mayor indicated this issue is on the agenda for the February 4 Work Session and would be discussed in full at that time.

Council Actions

Council Member Bruch moved to approve the minutes of the December 17, 2001 Town Meeting and the January 7, 2002 Work Session as circulated. It was seconded by Council Member Cowan and passed unanimously.

Council Member Pfautz moved to approve resolution 2002-01 supporting the Maryland Department of Housing and Community Development, Neighborhood Business Development Program financing to the Jubilee Association of Maryland. It was seconded by Council Member Scharman and passed unanimously with the Mayor concurring.

Council Member Pfautz reintroduced an ordinance to adopt Montgomery County Code, Chapter 40, Real Property, Section 40-12A that requires disclosures of historic designation at time of sale which will be included in Chapter 5, Article 4, Section 5-402 after it is voted on at the next Town Meeting.

There being no further business, the meeting adjourned at 9:45 p.m.

Work Session of Mayor & Council

February 4, 2002

A public hearing was held on the uses of the HOC gymnasium. Residents presented oral and written testimony. There was testimony both in support and in opposition of reopening the gym. Steve Lukaczer, facilities manager for HOC along with two County representatives from the Department of Recreation were at the hearing to answer questions and provide information. Cindy Roeder, from the Department of Recreation, stated that it was her understanding that County Council President Steve Silverman was waiting for the County Executive's budget to be released before making a decision, which is usually around March 15th. She also informed residents that Silverman requested the Department of Recreation to look at the cost involved in reopening the HOC gym. She stated that there was never any discussion of it being used as a community center because it does not meet the criteria required and that if it were reopened for community use it would be through the Community Use and Public Facilities agency. Lukaczer stated that HOC was not in a position to dictate any use to the County as they were just a tenant. The Mayor suggested that if residents feel strongly one way or another to write a letter to County Executive Doug Duncan or to County Council President Steve Silverman and forward a copy to the Town. The Council will consider whether to send an official letter with the Town's position at the next Town meeting.

The work session commenced following the public hearing at 8:35 p.m., Mayor Raufaste, Council Members Bruch, Cowan, Pfautz and Scharman, Code Enforcement Officer Hamilton, and Clerk-Treasurer Engels were present and the following issues were addressed:

The Mayor swore in Susan Engels as Clerk-Treasurer.

A Town resident, Al Carr, requested that the Council support, in writing, his request for a sidewalk from Washington Street to Saul Road on the west side of Connecticut Avenue which is required for him to submit an application to the County. He stated that a sidewalk would improve pedestrian safety and alleviate other problems such as soil erosion and poor visibility from his shared driveway. He gave a visual slide presentation of the site and of other retaining walls in the County. Robert Payne from the Kensington Baptist Church spoke in opposition to the sidewalk over concerns for safety. Council Member Bruch stated that because it would require a sizeable retaining wall of visual impact he would support it if the wall had an architectural finish, i.e. brick or stone in lieu of concrete. He also stated that the Town would have the financial responsibility of maintaining the wall. Council Member Cowan expressed concern as to whether the Town could be assured it will be done correctly once the request is supported.

Council Member Bruch motioned to support Al Carr's application for a sidewalk on the west side of Connecticut Avenue between Washington Street, going south to Saul Road but specifically to Carr's property the support requires that a concrete reinforced wall be faced with stone and also that the proposed wall be reviewed by the Historic Preservation Commission (HPC). Council Member Cowan seconded it and it was approved unanimously with the Mayor concurring.

Code Enforcement Officer Hamilton presented the Council with a list of corrections to the Town of Kensington Code changing misdemeanors to municipal infractions. A motion will be made at the February meeting for these corrections.

The Code Enforcement Action list was reviewed.

Code Enforcement Officer Hamilton provided information about performing a tree inventory and the possibility of using software to manage data on Town trees and their maintenance. The expense of inventory software seems high and an arborist or qualified person is needed to inventory the existing trees. The Council asked for expense information before further consideration. Also it was suggested that this could be an Eagle Scout project as well. Code Enforcement Officer Hamilton will obtain estimates on tree surveys from qualified individuals as a start to providing more efficient management of the Town's tree resources. Council Member Scharman indicated the Tree Board will be discussing this at their next meeting.

A resident's suggestion regarding illegal left turns from both sides of Howard Avenue on to Connecticut Avenue was discussed. The Council will forward a request to SHA to look at ways to minimize crossover traffic. Also, a residents concern over traffic crossing between the lanes on Plyers Mill Road before Metropolitan Avenue was discussed. The Council thought the area was working well now and were not inclined to suggest SHA look at this. The Mayor stated that SHA has been surveying the area to address traffic congestion concerns.

Code Enforcement Hamilton discussed parking enforcement of the HOC pull off on Detrick Avenue. The Council concurred to leave this alone since HOC maintains this area.

Shop owners on Summit Avenue between Howard and Knowles have expressed interest in revitalization. The Council stated that revitalization is being planned for that area.

The location of Town limits at the east curb of Summit Avenue were discussed for parking enforcement. The plat will be researched to determine the location of Town limits.

Sam Statland requested the Council to oppose CareFirst (Blue Cross/Blue Shield) privatization. Council Member Bruch moved to support the coalition to reject the CareFirst merger with WellPoint Health Networks and send a letter to Commissioner Steven B. Larsen. Council Member Scharman seconded it and it passed with the Mayor concurring. Council Member Cowan abstained from voting.

The project list was reviewed and updated. Brick sidewalks crossing driveway aprons and a proposal for a half basketball court at Reinhardt Park were added to the project list.

Monthly correspondence was reviewed.

Recommendations from an event planner were received; the Council will keep them for use once the building renovation is complete.

In response to a request for use of the Armory from the Kensington Nursery School, the Council concurred that they would only support one function each year at a reduced rate. The school would have to provide setup and cleanup.

The Mayor stated the Sandy Spring Theatre Group has changed their name to the Kensington Players.

The request from Wat Stewart for the Town to support the Arts and Humanities was put on hold until the Kensington Historical Society's Executive Board has more time to review it.

Council Member Bruch will request that SHA lower the speed limit to 30 mph from 40 mph for two blocks north of the split at Connecticut and University which is in the business district.

Council Member Cowan will meet with the HOC to see if the drop off box can be relocated to have less impact on the neighborhood.

The minutes from the January 28 Town Meeting were reviewed.

There being no further business, the meeting adjourned at 10:50 p.m.

Proposed Ordinance

Introduced at January 28, 2002 Town Meeting for Chapter 5, Article 4, Sec. 5-402

WHEREAS, Montgomery County has approved bill 29-01 (adding Section 40-12A to Montgomery County Code, Chapter 40, Real Property) that requires sellers of real property to disclose to prospective buyers whether the property is designated as a historic site, located in a historic district, or listed on the locational atlas of historic sites, and if so, that special land use and physical change restrictions may apply;

WHEREAS, the amendment to the Montgomery County Master Plan for Historic Preservation that established the Kensington Historic District (Atlas #31/6) was adopted and approved in October 1986;

WHEREAS, the Town of Kensington is committed to the preservation of its historic district and believes that prospective buyers of historic properties in our historic district should be informed of the benefits and restrictions that apply to such properties;

THEREFORE BE IT RESOVLED, that the Town of Kensington incorporate Montgomery County Code, Chapter 40, Real Property, Section 40-12A.

Proposed Recommendations for Charter Amendments

The Charter Review Committee has made the following recommendations for charter amendments. These amendments will be introduced at the next Town meeting.

Section 403: Qualifications of Council Members: The Committee recommends that the residency requirement for Council members be extended to one year. A review of municipal charters showed that most Maryland municipalities require one year of residency before one may run for Council. We feel it is important to extend the residency requirement so that prospective Council members will have benefit of at least one year's experience living in Town and listening and working on Town issues before running for office.

Section 405: Meetings of the Council: To formalize the procedure by which absent Council members are replaced, the Committee suggests adding a new paragraph to this Section of the Charter as follows "The absence of the Mayor or any Council member from three meetings of the Town Council during a calendar year, without being formally excused by the Town Council, shall result in that office being deemed vacant and the office shall be filled as set forth in vacancies."

Section 702: Board of Supervisors of Elections: The requirement regarding political persuasion of members of the Board of Supervisors of Elections ("Not more than two of the three supervisors of elections shall be members of the same political party.") is superfluous given the nonpartisan nature of our elections. Therefore, the Committee recommends taking that requirement out of this Section of the Charter.

Section 707: Registration: The current Charter states that persons wishing to register to vote at the Town Office (and not with the County Board of Elections) must do so by the last Monday prior to the election. Because this may fall on Memorial Day which is a federal holiday, the Committee thinks it prudent to change the date in the Charter to the last Tuesday before the election. We understand that the Town has allowed people to register until close of business on the following day (Tuesday) and announced that day as the cut-off. This decision had the input and blessing of the Montgomery County Board of Elections. However, it seems more practical to formally change the date in the Charter.

Section 714: Vacancies: The Committee recommends that a vacancy in the office of Mayor be filled in the same way as a vacancy on the Council, by special election if the vacancy occurs ninety days or more prior to the end of the term. This would preclude the need for a special election to fill the President Pro Tem of the Council.

Section 904: Compensation of Employees: The Committee suggests that this Section be amended to delete the reference to employees because the Council does not set their compensation by ordinance. It would seem more reasonable that Town employee compensation be determined by the Mayor (with advice by Council) – not established by ordinance.

Section 910: Health Officer: The Committee has been told by the Maryland Municipal League that no town currently has a Health Officer. They say that some charters still

make reference to the position or more likely the function but they believe this is archaic. The State and county jointly oversee local health issues. Therefore, we recommend that the requirement for a Health Officer be taken out of the Town Charter.

The Town of Kensington expresses its deepest condolences to the family and friends of Carl Orndorff, a resident of the Town.
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